Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 251334 Bk 429 Pg 395
Date: 09-MAY-2008 12:18PM
Fee: None
Filed By: CT
LES BARKER, Recorder
GARFIELD COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Garfield County as it pertains to the highway located in Garfield County known as LOST SPRING ROAD; County Road Number: 0025D; State Geographic Information Database (SGID) Road Identification Number: RD090007. Total road length is 2.72 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Page 1 of 2 SGID Road Identification Number RD ID: RD090007

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23 day of Apaic, 200 8.

By the Governor's Designee

CERTIFICATION

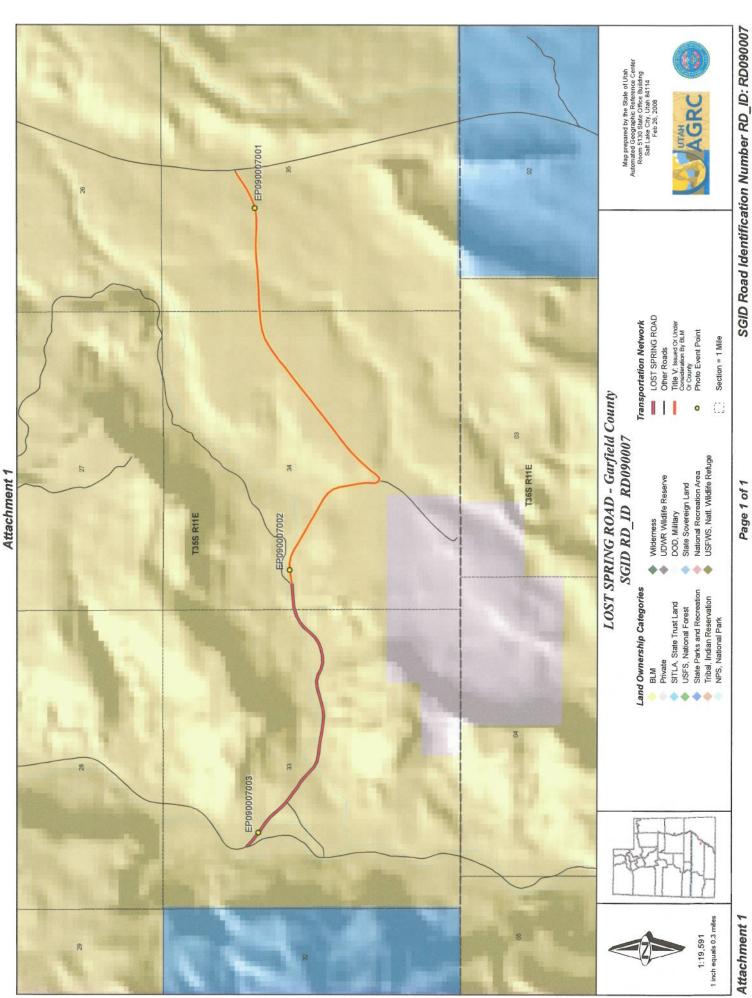
State of Utah)	
	:	S
County of Salt Lake)	

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

PAMELA Z. BLACKHAM 5110 State Office Bidg Salt Lake City, Utah 84114 Dated this 23 rd day of april, 2008.

Panela 3. Blackhan

Notary Public



Attachment 2







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LOST SPRING ROAD - Garfield County SGID RD_ID RD090007

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 February 29, 2008



Attachment 3

Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: LOST SPRING ROAD

County: Garfield

County Road Number: 0025D

State Geographic Information Database (SGID) Road Identification Number: RD090007.

Total Road Length: 2.72 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 43 minutes 27.98 seconds North Latitude and -110 degrees 42 minutes 030.5 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,869,343.4 feet and Y = 10,228,622.9 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 43 minutes 29.52 seconds North Latitude and -110 degrees 40 minutes 02.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,881,239.3 feet and Y = 10,228,881.8 feet based on the US Survey Foot conversion.

This road may traverse:

Township 35 South Range 11 East, Section(s) 33,34,35, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: LOST SPRING ROAD

County: Garfield

County Road Number: 0025D

State Geographic Information Database (SGID) Road Identification Number: RD090007.

Total Road Length: 2.72 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD_ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD090007	001	BLM	2.72 Miles	A
		Total Road Length	2.72	

^{*} Indicates that a Title V permit will be requested, is in process, or has been issued.

[†] Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

Attachment 5

AFFIDAVIT OF FRELAND ALVEY

LOST SPRING ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 0025D

State of Utah)
	: ss
County of Garfield)

FRELAND ALVEY, being first duly sworn, deposes and states as follows:

- 1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Escalante, Garfield County, Utah. I was born and raised in Garfield County and have lived in the county for 74 years. I worked for the Garfield County Roads Department for twelve years from the early 1950s to the mid 1960s.
- 2. I have traveled and am familiar with a road in Garfield County known as Lost Spring Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s it followed the same route as in the mid 1960s when I last observed it. Attached is a Garfield County map showing Lost Spring Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
 - 3. The County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through the mid 1960s. Throughout this time period I observed travel on the road by means of cars, trucks, pickup trucks. During this time period, the road was used daily, weather permitting, for more than ten continuous years prior to 1976.
- 5. Throughout the time period from the early 1950s to the mid 1960s, I used the road myself for county road maintenance and travel in and through the area.

- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus livestock operations, hunting, recreation, sightseeing, prospecting for minerals and oil and gas exploration.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I personally graded and performed maintenance and construction work on the road.

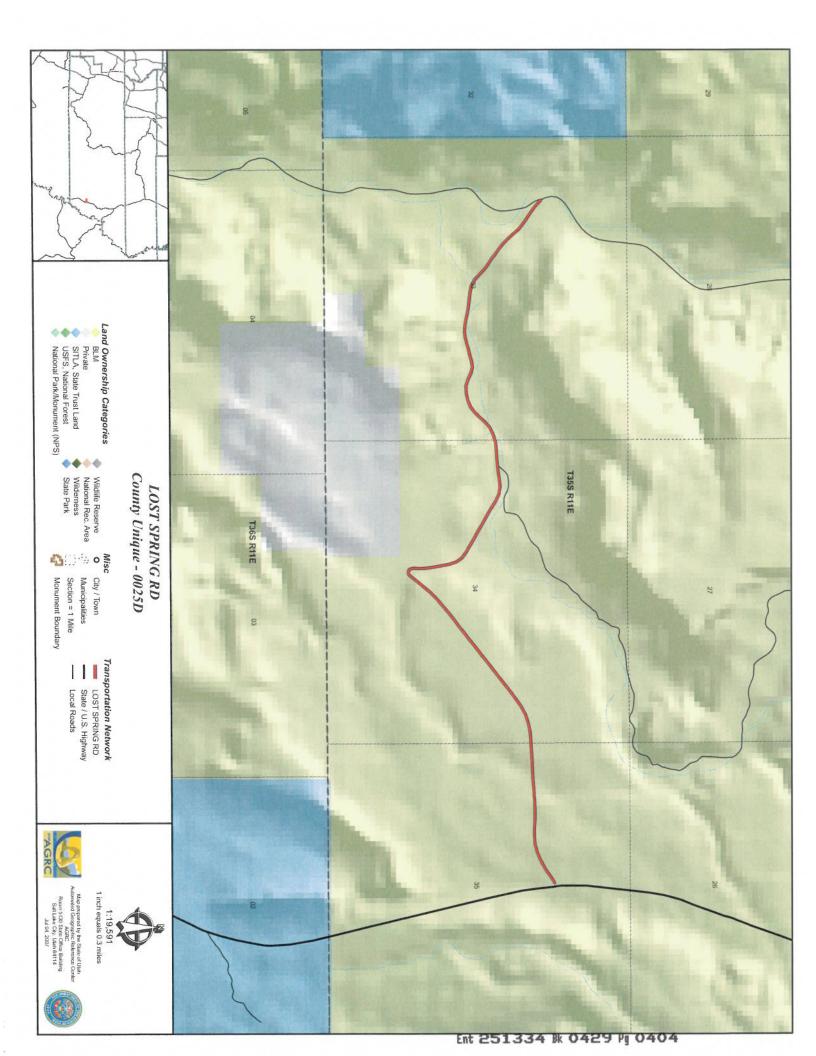
DATED this _//_ day of July, 2007.

FRELAND ALVEY

SUBSCRIBED AND SWORN to before me this ______ day of July, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



AFFIDAVIT OF ARNOLD ALVEY

LOST SPRING ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 0025D

State of Utah)
	: SS
County of Garfield)

ARNOLD ALVEY, being first duly sworn, deposes and states as follows:

- 1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Escalante, Garfield County, Utah. I was born and raised in Garfield County and have lived in the county for 78 years. I worked for the Garfield County Roads Department seasonally during the 1950s.
- 2. I have traveled and am familiar with a road in Garfield County known as Lost Spring Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s it followed the same route as in 1987 when I last observed it.

 Attached is a Garfield County map showing Lost Spring Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
 - 3. The County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 1987. Throughout this time period I have observed travel on the road by means of cars, trucks, pickup trucks and ATVs. Throughout this time period, the road has been used daily, weather permitting, for more than ten continuous years prior to 1976, and was so used in 1987.

- 5. Throughout the time period from the early 1950s to 1987, I have used the road myself for livestock operations, county road maintenance, hunting, oil and gas exploration, recreation and travel in and through the area.
- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus, sightseeing, seismograph work and prospecting for minerals.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I participated in county road maintenance work on the road and observed graders and county road maintenance equipment performing maintenance and construction activities on the road.

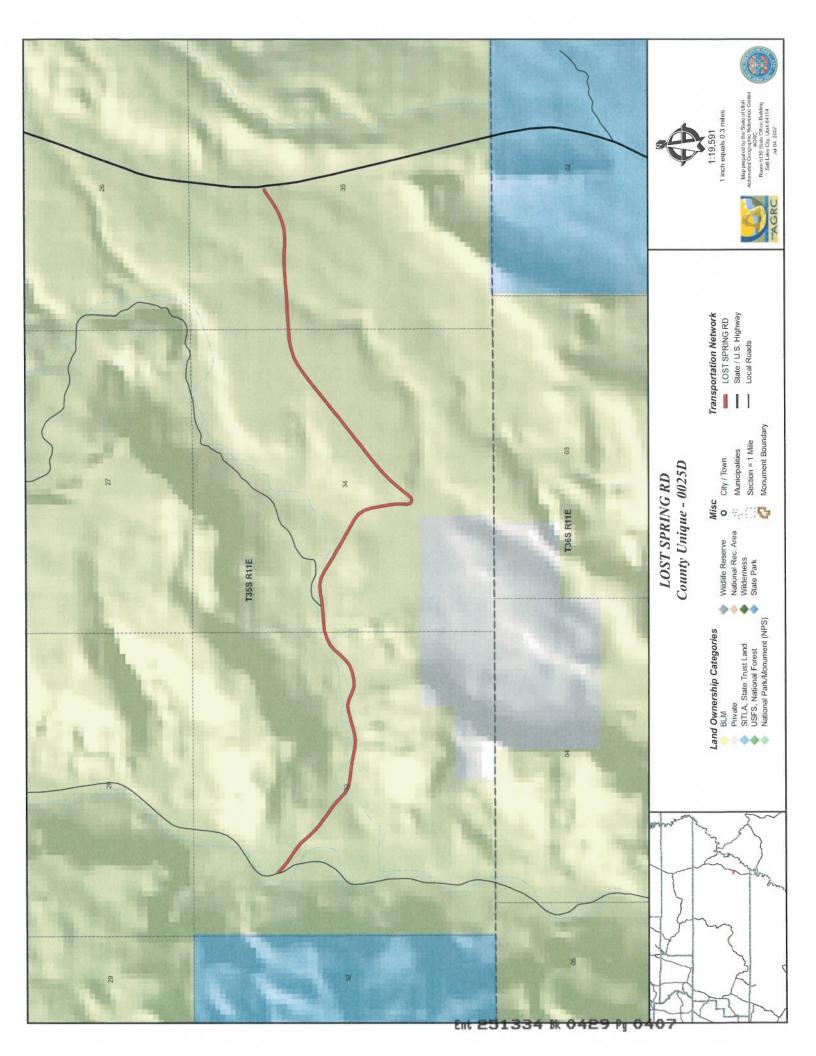
DATED this _// day of July, 2007.

Anold in alugy

SUBSCRIBED AND SWORN to before me this ______day of July, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City. UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



Appendix A to Attachment 4

Popular Name: LOST SPRING ROAD

County: Garfield

County Road Number: 0025D

State Geographic Information Database (SGID) Road Identification Number: RD090007.

Road-Segment Number: 001

Road-Segment Length: 2.72 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 35 South Range 11 East, Section(s) 33,34,35, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (LOST SPRING ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 43 minutes 27.98 seconds North Latitude and -110 degrees 42 minutes 030.5 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,869,343.4 feet and Y = 10,228,622.9 feet; thence the following courses along the said road center line:

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thence South 31 Degrees 23 Minutes 08 Seconds East 28 feet thence South 47 Degrees 27 Minutes 40 Seconds East 117.3 feet thence South 52 Degrees 59 Minutes 07 Seconds East 125 feet thence South 54 Degrees 41 Minutes 56 Seconds East 125.1 feet thence South 56 Degrees 56 Minutes 46 Seconds East 126.5 feet thence South 50 Degrees 18 Minutes 30 Seconds East 125.1 feet thence South 42 Degrees 57 Minutes 53 Seconds East 125 feet thence South 41 Degrees 10 Minutes 28 Seconds East 122.4 feet thence South 45 Degrees 45 Minutes 47 Seconds East 116.5 feet thence South 51 Degrees 00 Minutes 20 Seconds East 114.5 feet thence South 53 Degrees 59 Minutes 00 Seconds East 116.9 feet
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thence South 55 Degrees 18 Minutes 04 Seconds East 115 feet
thence South 56 Degrees 39 Minutes 45 Seconds East 113.1 feet
thence South 53 Degrees 16 Minutes 26 Seconds East 115.5 feet
thence South 46 Degrees 38 Minutes 19 Seconds East 119.8 feet
thence South 46 Degrees 43 Minutes 49 Seconds East 121.4 feet
thence South 63 Degrees 07 Minutes 31 Seconds East 122.9 feet
thence South 79 Degrees 01 Minutes 34 Seconds East 124.2 feet
thence South 84 Degrees 01 Minutes 40 Seconds East 135 feet
thence South 82 Degrees 32 Minutes 29 Seconds East 138.5 feet
thence South 79 Degrees 12 Minutes 36 Seconds East 138.1 feet
thence South 80 Degrees 01 Minutes 35 Seconds East 136.1 feet
thence South 85 Degrees 53 Minutes 49 Seconds East 132.3 feet
thence North 82 Degrees 20 Minutes 09 Seconds East 120.5 feet
thence North 75 Degrees 24 Minutes 11 Seconds East 107.7 feet
thence North 74 Degrees 22 Minutes 18 Seconds East 99.4 feet
thence North 75 Degrees 42 Minutes 13 Seconds East 97.7 feet
thence North 75 Degrees 07 Minutes 09 Seconds East 101.7 feet
thence North 81 Degrees 47 Minutes 28 Seconds East 105 feet
thence South 77 Degrees 11 Minutes 42 Seconds East 108.5 feet
thence South 64 Degrees 09 Minutes 53 Seconds East 119.2 feet
thence South 73 Degrees 14 Minutes 16 Seconds East 121.9 feet
thence North 87 Degrees 49 Minutes 04 Seconds East 130.4 feet
thence North 75 Degrees 46 Minutes 02 Seconds East 124.1 feet
thence North 67 Degrees 48 Minutes 13 Seconds East 118.8 feet
thence North 53 Degrees 54 Minutes 48 Seconds East 117.3 feet
thence North 43 Degrees 23 Minutes 11 Seconds East 122.1 feet
thence North 41 Degrees 08 Minutes 13 Seconds East 123.5 feet
thence North 49 Degrees 21 Minutes 28 Seconds East 122.7 feet
thence North 63 Degrees 03 Minutes 48 Seconds East 129.6 feet
thence North 73 Degrees 09 Minutes 18 Seconds East 112.4 feet
thence North 73 Degrees 09 Minutes 17 Seconds East 44.4 feet
thence North 84 Degrees 11 Minutes 47 Seconds East 157.6 feet
thence North 86 Degrees 50 Minutes 32 Seconds East 165 feet
thence North 82 Degrees 44 Minutes 25 Seconds East 94.9 feet
thence North 82 Degrees 40 Minutes 36 Seconds East 64.5 feet
thence North 81 Degrees 28 Minutes 27 Seconds East 149.2 feet
thence North 84 Degrees 19 Minutes 00 Seconds East 140.1 feet
thence South 80 Degrees 31 Minutes 09 Seconds East 133.2 feet
thence South 65 Degrees 00 Minutes 18 Seconds East 139.8 feet
thence South 59 Degrees 20 Minutes 34 Seconds East 153.1 feet
thence South 60 Degrees 05 Minutes 08 Seconds East 151.9 feet
thence South 61 Degrees 05 Minutes 34 Seconds East 149.3 feet
thence South 60 Degrees 08 Minutes 36 Seconds East 145 feet
thence South 60 Degrees 42 Minutes 36 Seconds East 141.5 feet
thence South 61 Degrees 31 Minutes 30 Seconds East 140.4 feet
thence South 60 Degrees 39 Minutes 43 Seconds East 139.3 feet
thence South 53 Degrees 04 Minutes 18 Seconds East 134 feet
thence South 34 Degrees 56 Minutes 01 Seconds East 122.4 feet
thence South 18 Degrees 50 Minutes 12 Seconds East 125 feet
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thence South 10 Degrees 23 Minutes 37 Seconds East 123.7 feet
thence South 09 Degrees 57 Minutes 11 Seconds East 117.5 feet
thence South 10 Degrees 16 Minutes 29 Seconds East 110 feet
thence South 06 Degrees 06 Minutes 26 Seconds East 103.9 feet
thence South 00 Degrees 06 Minutes 36 Seconds West 90.3 feet
thence South 02 Degrees 10 Minutes 58 Seconds West 75.6 feet
thence South 13 Degrees 46 Minutes 47 Seconds East 64.8 feet
thence South 49 Degrees 07 Minutes 14 Seconds East 34.9 feet
thence South 83 Degrees 45 Minutes 37 Seconds East 40.3 feet
thence North 65 Degrees 47 Minutes 28 Seconds East 31.6 feet
thence North 41 Degrees 54 Minutes 51 Seconds East 71.8 feet
thence North 37 Degrees 47 Minutes 45 Seconds East 115.9 feet
thence North 38 Degrees 50 Minutes 14 Seconds East 145.6 feet
thence North 40 Degrees 52 Minutes 03 Seconds East 153 feet
thence North 45 Degrees 17 Minutes 08 Seconds East 157.1 feet
thence North 49 Degrees 08 Minutes 23 Seconds East 170.6 feet
thence North 51 Degrees 27 Minutes 54 Seconds East 163.4 feet
thence North 51 Degrees 40 Minutes 54 Seconds East 145 feet
thence North 53 Degrees 09 Minutes 52 Seconds East 121.3 feet
thence North 52 Degrees 23 Minutes 21 Seconds East 34.7 feet
thence North 50 Degrees 32 Minutes 49 Seconds East 138.8 feet
thence North 52 Degrees 23 Minutes 04 Seconds East 145.7 feet
thence North 51 Degrees 24 Minutes 28 Seconds East 164.7 feet
thence North 51 Degrees 59 Minutes 26 Seconds East 162.6 feet
thence North 52 Degrees 03 Minutes 41 Seconds East 162.9 feet
thence North 51 Degrees 50 Minutes 56 Seconds East 162.1 feet
thence North 51 Degrees 49 Minutes 42 Seconds East 162.5 feet
thence North 51 Degrees 50 Minutes 56 Seconds East 162.1 feet
thence North 51 Degrees 40 Minutes 27 Seconds East 160.4 feet
thence North 52 Degrees 15 Minutes 17 Seconds East 158.7 feet
thence North 54 Degrees 49 Minutes 05 Seconds East 158.4 feet
thence North 61 Degrees 25 Minutes 57 Seconds East 158.7 feet
thence North 70 Degrees 42 Minutes 07 Seconds East 160.4 feet
thence North 79 Degrees 33 Minutes 52 Seconds East 162.4 feet
thence North 85 Degrees 20 Minutes 18 Seconds East 164.2 feet
thence North 86 Degrees 12 Minutes 52 Seconds East 16.4 feet
thence North 86 Degrees 12 Minutes 54 Seconds East 151.3 feet
thence North 86 Degrees 20 Minutes 47 Seconds East 168.7 feet
thence North 86 Degrees 37 Minutes 22 Seconds East 171.6 feet
thence North 86 Degrees 29 Minutes 23 Seconds East 176.2 feet
thence North 86 Degrees 29 Minutes 44 Seconds East 58.8 feet
thence North 85 Degrees 09 Minutes 29 Seconds East 116.2 feet
thence North 85 Degrees 19 Minutes 13 Seconds East 56 feet
thence North 85 Degrees 34 Minutes 15 Seconds East 109.6 feet
thence North 87 Degrees 27 Minutes 16 Seconds East 159.6 feet
thence South 89 Degrees 35 Minutes 36 Seconds East 158.2 feet
thence South 87 Degrees 44 Minutes 53 Seconds East 154.4 feet
thence South 88 Degrees 46 Minutes 20 Seconds East 147.1 feet
thence North 83 Degrees 52 Minutes 39 Seconds East 142.5 feet
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thence North 75 Degrees 33 Minutes 36 Seconds East thence North 66 Degrees 53 Minutes 55 Seconds East 140.6 feet thence North 59 Degrees 46 Minutes 47 Seconds East 138.2 feet thence North 57 Degrees 15 Minutes 24 Seconds East 124.8 feet thence North 56 Degrees 18 Minutes 55 Seconds East 100.2 feet thence North 55 Degrees 47 Minutes 00 Seconds East 71.2 feet thence North 58 Degrees 24 Minutes 56 Seconds East 41.1 feet
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thence North 65 Degrees 43 Minutes 51 Seconds East 6.5 feet more or less to the ending point at: 37 degrees 43 minutes 29.52 seconds North Latitude and -110 degrees 40 minutes 02.41 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,881,239.3 feet and Y = 10,228,881.8 feet.